

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

HEATHER BIRD,	:	CIVIL NO. 3:18-CV-2289
	:	
Plaintiff,	:	
	:	
v.	:	(SAPORITO, M.J.)
	:	
BOROUGH OF MOOSIC, et al.,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 28th day of February, 2020, in accordance with the accompanying Memorandum, IT IS HEREBY ORDERED THAT:

1. The defendants' motion to dismiss (Doc. 28) is GRANTED in part and DENIED in part;

2. The plaintiff's § 1983 claims against the Borough (Counts I and II) are DISMISSED for failure to state a claim pursuant to Fed.R.Civ.P. 12(b)(6);

3. The plaintiff's state law claim of *quo warranto* (Count III) is DISMISSED for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6);

4. The plaintiff's § 1983 claims against defendant Janesko shall be permitted to proceed; and

5. The plaintiff may file a second amended complaint within twenty-one (21) days after entry of this order.

s/Joseph F. Saporito, Jr.
JOSEPH F. SAPORITO, JR.
U.S. Magistrate Judge

Dated: February 28, 2020